

1 D. EDWARD HAYS, #162507
ehays@marshackhays.com
2 TINHO MANG, #322146
tmang@marshackhays.com
3 MARSHACK HAYS LLP
870 Roosevelt
4 Irvine, California 92620
Telephone: (949) 333-7777
5 Facsimile: (949) 333-7778

6 Attorneys for Chapter 7 Trustee,
RICHARD A. MARSHACK

7 UNITED STATES BANKRUPTCY COURT

8 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

9 In re
10 NORTHERN HOLDING, LLC,
11 Debtor.

Case No. 8:20-bk-13014-ES

Chapter 7

NOTICE OF CHAPTER 7 TRUSTEE'S
MOTION TO AUTHORIZE CASH
DISBURSEMENTS PURSUANT TO
COURT-APPROVED STIPULATION FOR
SUBORDINATION RE SALE PROCEEDS
OF 2380 LIVE OAK ROAD, PASO
ROBLES, CA

15 Date: May 5, 2022
16 Time: 10:30 a.m.
17 Ctrm: 5A¹
18 Location: United States Bankruptcy Court
411 West Fourth Street
Santa Ana, CA 92701-4593

19
20 TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE, THE
21 OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

22 PLEASE TAKE NOTICE that Richard A. Marshack, the duly appointed and acting chapter 7
23 trustee ("Trustee") for the bankruptcy estate ("Estate") of Northern Holding, LLC ("Debtor"), has
24 filed a motion for order authorizing the interim distribution of funds derived from the sale of real
25 property commonly known as 2380 Live Oak Road, Paso Robles, CA ("Live Oak Property" or
26

27
28 ¹ Hearing via ZoomGov.

1 “Property”) pursuant to 11 U.S.C. § 363 (“Motion”) A hearing on Motion will be held on the date
2 and time as listed on the caption page.

3 In this case, after closing the sale of the Live Oak Property, Trustee made distributions of
4 over \$8 million to creditors and held the remainder of certain funds in reserve pursuant to an
5 agreement with secured creditor, Farm Credit West, FCLA (“FCW”). FCW has already agreed in
6 writing to the payment of certain items from the monies being held in the Estate’s bank account
7 including significant administrative fee reserves. By the Motion, Trustee seeks entry of an order
8 authorizing interim distributions from these administrative reserves to administrative creditors
9 including interim compensation to Trustee and his retained professionals. Good cause exists to
10 authorize these interim distributions to minimize ordinary-course bank fees which would
11 unnecessarily deplete the Estate to the detriment of non-administrative creditors. Concurrently with
12 the Motion, Estate professionals will be seeking approval of interim compensation.

13 The complete scope of the relief requested is detailed in the Motion, a copy of which can be
14 obtained by contacting D. Edward Hays or Tinho Mang whose contact information is listed in the
15 top left-hand corner of this Notice.

16 The Motion is based upon this Notice, the Declaration of Richard A. Marshack,
17 memorandum of points and authorities, the pleadings and files in the Debtor’s bankruptcy case, and
18 upon such further oral and documentary evidence as may be presented to the Court. **If you do not**
19 **oppose the motion described above, then you need take no further action.**

20 PLEASE TAKE FURTHER NOTICE that any opposition or other responsive pleadings
21 must be in the form as required by Rules 9013-1(f) and (o) of the Local Bankruptcy Rules and filed
22 with the Clerk of the above-entitled Court no later than fourteen days (14) prior to the hearing on
23 the Motion. You must also serve a copy of your objection upon D. Edward Hays and Tinho Mang
24 no later than fourteen (14) days prior to the date of the hearing on the Motion at the mailing address
25 indicated in the upper left corner of the first page of this Motion, and upon the Office of The United
26 States Trustee, 411 W. 4th Street, Suite 7160, Santa Ana, CA 92701. Any failure to timely file and
27 serve an opposition may result in a waiver of any such opposition and the Court may enter an order
28

1 granting the Motion without further notice. Additionally, failure to appear at the scheduled hearing
2 for the Motion may result in the waiver or forfeiture of such opposition.

4 DATED: April 5, 2022

MARSHACK HAYS LLP

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6 By: /s/ D. Edward Hays
7 D. EDWARD HAYS
8 TINHO MANG
9 Attorneys for Chapter 7 Trustee,
10 RICHARD A. MARSHACK
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **NOTICE OF CHAPTER 7 TRUSTEE'S MOTION TO AUTHORIZE CASH DISBURSEMENTS PURSUANT TO COURT-APPROVED STIPULATION FOR SUBORDINATION RE SALE PROCEEDS OF 2380 LIVE OAK ROAD, PASO ROBLES, CA** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **April 5, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **April 6, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

NORTHERN HOLDING, LLC
ATTN: OFFICER, A MANAGING OR GENERAL AGENT,
OR TO ANY OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE SERVICE
13217 JAMBOREE RD #429
TUSTIN, CA 92782

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL**: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **April 6, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

PURSUANT TO COURTROOM POLICIES AND PROCEDURES OF HONORABLE ERITHE A. SMITH, COURTROOM 5A, § VIII. JUDGES' OR COURTESY COPIES, EXCEPT FOR DOCUMENTS 200 PAGES OR OVER, INCLUDING EXHIBITS, JUDGE SMITH **DOES NOT** REQUIRE JUDGES' COPIES.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 6, 2022

Date

Layla Buchanan

Printed Name

/s/ Layla Buchanan

Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

- **INTERESTED PARTY COURTESY NEF:** William H Brownstein Brownsteinlaw.bill@gmail.com
- **INTERESTED PARTY COURTESY NEF:** Steve Burnell sburnell@sulmeyerlaw.com, sburnell@ecf.courtdrive.com; sburnell@ecf.inforuptcy.com; mviramontes@sulmeyerlaw.com
- **ATTORNEY FOR INTERESTED PARTY LEE CODDING:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **ATTORNEY FOR U.S. TRUSTEE (SA):** Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Michael J Gomez mgomez@frandzel.com, dmoore@frandzel.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR INTERESTED PARTY LEE CODDING:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR RESPONDENTS ERICH RUSSELL AND JOANNE RUSSELL:** Kari L Ley Ley1238@att.net
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
- **TRUSTEE RICHARD A MARSHACK (TR):** Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titledi.com
- **ATTORNEY FOR INTERESTED PARTY BANK DIRECT CAPITAL FINANCE:** Elissa Miller emiller@sulmeyerlaw.com, emillersk@ecf.inforuptcy.com; ccaldwell@sulmeyerlaw.com
- **ATTORNEY FOR DEBTOR NORTHERN HOLDING LLC:** Roksana D. Moradi-Brovia roksana@rhmfir.com, matt@rhmfir.com; janita@rhmfir.com; susie@rhmfir.com; max@rhmfir.com; priscilla@rhmfir.com; pardis@rhmfir.com; russ@rhmfir.com; rebecca@rhmfir.com; david@rhmfir.com; sloan@rhmfir.com
- **ATTORNEY FOR CREDITOR ADLER BELMONT GROUP, INC.:** Paul F Ready tamara@farmerandready.com
- **ATTORNEY FOR DEBTOR NORTHERN HOLDING LLC:** Matthew D. Resnik matt@rhmfir.com, roksana@rhmfir.com; janita@rhmfir.com; susie@rhmfir.com; max@rhmfir.com; priscilla@rhmfir.com; pardis@rhmfir.com; russ@rhmfir.com; rebecca@rhmfir.com; david@rhmfir.com; sloan@rhmfir.com
- **ATTORNEY FOR INTERESTED PARTY RIBOLI PASO ROBLES, LLC:** Victor A Sahn vsahn@sulmeyerlaw.com, pdillamar@sulmeyerlaw.com; pdillamar@ecf.inforuptcy.com; vsahn@ecf.inforuptcy.com; cblair@sulmeyerlaw.com; cblair@ecf.inforuptcy.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** Kristine A Thagard kthagard@marshackhays.com, kthagard@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **UNITED STATES TRUSTEE (SA):** United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Reed S Waddell rwaddell@frandzel.com, sking@frandzel.com
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Gerrick Warrington gwarrington@frandzel.com, sking@frandzel.com
- **INTERESTED PARTY COURTESY NEF:** David Wood dwood@marshackhays.com, dwood@ecf.courtdrive.com; lbuchananmh@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com

2. SERVED BY UNITED STATES MAIL: CONTINUED:

SECURED CREDITOR / POC
ADDRESS

ERICH RUSSELL
2380 LIVE OAK ROAD
PASO ROBLES, CA 93446-9693

SECURED CREDITOR

FARM CREDIT WEST
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE
3755 ATHERTON RD
11707 FAIR OAKS BLVD
ROCKLIN, CA 95765

SECURED CREDITOR / POC
ADDRESS

FARM CREDIT WEST, FLCA
ATTN: KEVIN E. RALPH
3755 ATHERTON DRIVE
ROCKLIN CA 95765-3701

**SECURED CREDITOR / POC
ADDRESS**

JAMES W. HAMILTON ACTTC
SAN LUIS OBISPO TAX
COLLECTOR
1055 MONTEREY STREET
SUITE D-290
SAN LUIS OBISPO CA 93408-1003

SECURED CREDITOR

MORTGAGE LENDER SERVICES AS
AGENT
FARM CREDIT WEST, FLCA, AS
TRUSTEE
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE
11707 FAIR OAKS BLVD
FAIR OAKS, CA 95628-2816

CREDITOR

ATTORNEY GENERAL
UNITED STATES DEPARTMENT OF
JUSTICE
BEN FRANKLIN STATION
P.O. BOX 683
WASHINGTON, DC 20044

CREDITOR

BANK OF AMERICA
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE
PO BOX 15019
WILMINGTON, DE 19850-5019

CREDITOR

CALIFORNIA DEPT OF TAX AND FEE
ADMI
SPECIAL OPS, MIC 29
PO BOX 942879
SACRAMENTO, CA 94279-0005

CREDITOR

CAPITAL ONE
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE
P.O. BOX 60599
CITY OF INDUSTRY, CA 91716-0599

CREDITOR

CIVIL PROCESS CLERK
UNITED STATES ATTORNEY'S
OFFICE
FEDERAL BUILDING, ROOM 7516
300 NORTH LOS ANGELES
STREET
LOS ANGELES, CA 90012

RTD 02/22/22 UTF

CREDITOR

ELECTRO-STEAM GENERATOR CORP.
~~ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE~~
50 INDEL AVENUE
RANCOCAS, NJ 08073

NEW ADDR PER WEBSITE

CREDITOR

ELECTRO-STEAM GENERATOR
CORP.
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE
50 INDEL AVENUE
P.O. BOX 438
RANCOCAS, NJ 08073-0438

CREDITOR / POC ADDRESS

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

CREDITOR

HILCO REAL ESTATE, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE
5 REVERE DRIVE, SUITE 320
NORTHBROOK, IL 60062

CREDITOR / POC ADDRESS

INTERNAL REVENUE SERVICE
P.O. BOX 7346
PHILADELPHIA, PA 19101-7346

OTHER PROFESSIONAL

LEE CODDING
13217 JAMBOREE RD #429
TUSTIN, CA 92782

CREDITOR

PG&E
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE
P.O. BOX 99700
SACRAMENTO, CA 95899-7300

CREDITOR

RABBIT RIDGE WINE SALES, INC.
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE
179 NIBLICK RD, #406
PASO ROBLES, CA 93446-9693

RTD 08/30/21 UTF

CREDITOR

SUNBELT RENTALS
~~ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE
P.O. BOX 409211
ATLANTA, GA 30384-9211~~

NEW ADDR PER CA SOS

CREDITOR

SUNBELT RENTALS, INC.
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE
2341 DEERFIELD DRIVE
FORT MILL, SC 29715

NEW ADDR PER CA SOS

CREDITOR

SUNBELT RENTALS, INC.
C/O C T CORPORATION SYSTEM,
AGENT FOR SERVICE OF PROCESS
330 N BRAND BLVD
GLENDALE, CA 91203

CREDITOR

THOMAS K RACKERBY
C/O TOM PROUNTZOS
GOODMAN NEUMAN HAMILTON
LLP
ONE POST STREET, SUITE 2100
SAN FRANCISCO, CA 94104

CREDITOR

WEST COAST WINE PARTNERS
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE
134 CHURCH STREET
SONOMA, CA 95476-6612